

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

IN RE: CHRISTINE HARP,  
DEBTOR

CASE NO. 5:22-BK-70349  
CHAPTER 7

**APPLICATION FOR AUTHORITY TO EMPLOY REAL ESTATE PROFESSIONAL**

COMES NOW YOUR TRUSTEE J. Brian Ferguson (the “Trustee”), the Chapter 7 trustee of the above-captioned bankruptcy case and for his Application states:

1. J. Brian Ferguson is the duly appointed Chapter 7 trustee in the above-captioned bankruptcy case.
2. Included in the Chapter 7 Estate is residential real property located at 3461 W. Earnhardt Drive, Fayetteville, Arkansas, Washington County (the “Property”).
3. Your Trustee has contacted Nathan Genovese, a California real estate broker and Arkansas licensed salesperson affiliated with RE/MAX Real Estate Results of Bentonville, Arkansas, whose practice specializes in supporting bankruptcy trustees, court-appointed receivers, and other fiduciaries, to assist in the sale of real property throughout the country, which services include coordination with local brokers, title companies, and escrow companies. Mr. Genovese is referred to as the “Proposed Broker.”
4. Based on his evaluation of the Property, which includes discussions with the Proposed Broker and evaluation of secured debt, tax consequences, and costs of sale, your Trustee has concluded that the Property appears to have value for the Chapter 7 Estate.
5. Your Trustee believes that it is in the best interests of the Chapter 7 Estate to employ the Proposed Broker to list and market the Property for sale and to perform related services.
6. The Trustee intends to list the Property at or around the price of \$310,000. The Chapter 7 Trustee proposes to pay the Proposed Brokers a commission of 2.5% of the sales price. The Trustee intends to pay an additional commission in the amount of 2.5% of the sales price, to the broker, if any, representing the buyer. An authentic copy of the *Authorization and Right to Sell* (the “Listing Agreement”) is attached to this Application as **Exhibit A**.
7. The Trustee will disclose and disburse all amounts to be paid pursuant to this Application and the Listing Agreement.
8. Based on the concurrently filed declaration of Nathan Genovese the Trustee believes that except as disclosed in their respective declarations, the Proposed Broker, nor their employees and affiliates, hold any interest or connections adverse to the Chapter 7 Estate, the

Debtors, creditors, or any other party in interest, their respective attorneys and accountants, the United States Trustee, or any person employed in the Office of the United States Trustee. The Liquidating Trustee believes that the Proposed Broker is a disinterested entity as defined in 11 U.S.C. § 101(14). Your Trustee believes that employment of the Proposed Broker is in the best interests of the Chapter 7 Estate and its beneficiaries.

WHEREFORE, your Trustee prays that he be authorized to employ the Proposed Broker for the purposes set forth above, pursuant to the terms of the Listing Agreement.

Dated April 25, 2022.

Respectfully submitted,

/s/ **J. Brian Ferguson**  
J. Brian Ferguson, Trustee  
P.O. Box 926  
Bentonville, AR 72712  
Tel. (479) 464-4418  
brian@ozarkfunds.com

**CERTIFICATE OF SERVICE**

I hereby certify that on this day, a true and correct copy of the foregoing document was served via electronic mail on the parties subscribing to the Court's CM/ECF system in this case.

/s/ **J. Brian Ferguson**  
J. Brian Ferguson, Trustee

IN THE UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

IN RE: CHRISTINE HARP,

CASE NO: 5:22-BK-70349

DEBTOR

CHAPTER 7

**DECLARATION OF PROPOSED REAL ESTATE BROKER**

I, NATHAN GENOVESE of RE/MAX Real Estate Results in Bentonville, Arkansas, hereby declare:

1. I am a duly licensed salesperson with Arkansas license number 89989 and am competent to list property and conduct sales of the same as proposed by in the Application to Employ Realtors, which the instant Declaration accompanies.
2. I am familiar with the Application, which this Declaration accompanies, and the property therein described and I believe that I am qualified to represent the estate in connection with the marketing of said property. I have agreed to accept employment on the terms and conditions set forth in the Application.
3. To the best of my knowledge, information and belief, I am a disinterested person within the meaning of 11 U.S.C. § 101, in that I do not hold, nor am I employed by or connected with or representing any person or entity who holds, any interest adverse to the Debtor, her creditors, or any party in interest, their respective attorneys and accountants, the United States Trustee, or any person employed in the Office of the United States Trustee.
4. I hereby certify that neither I nor any other partner, member, employee or independent contractor of RE/MAX Real Estate Results, or insiders, will directly or indirectly bid on or acquire any interest in the estate property to be sold. I further certify that I have made no arrangement with the debtor, the debtor's attorney, the Trustee, the Trustee's attorney, or any other party in interest and/or their respective attorneys, apart from the terms of my employment detailed in the Application, other than selling the property listed in the Application for the highest available sale price.
5. I am in good standing with the Arkansas Real Estate Commission.

I declare under penalty of perjury that the foregoing is true and correct.



NATHAN GENOVESE, # 89989

3103 SE Moberly Lane

Bentonville, AR 72712

(707) 205-6797

[bktrusteerealestate@gmail.com](mailto:bktrusteerealestate@gmail.com)

# EXHIBIT

A

## AUTHORIZATION AND RIGHT TO SELL

1. **Right to sell.** The undersigned, the duly appointed Chapter 7 Trustee for the Bankruptcy Estate of Christine Harp Case No. 5:22-BK-70349, United States Bankruptcy Court for the Western District of Arkansas (The "Bankruptcy Court"), herein after called "Seller", hereby employs and grants, subject to Bankruptcy Court approval, RE/MAX Real Estate Results ("Broker") the exclusive right to sell the real property belonging to the Seller described as 3461 West Earnhardt Drive Fayetteville, Washington County, Arkansas, further described as Washington County Assessor's Parcel Number 765-24690-000 ("Property").
2. **Term of Authorization.** Broker's right to sell shall commence upon authorization of the Court and expire at midnight on September 30, 2022. The term may be extended by mutual written agreement signed by Seller and Broker.

### Terms of Sale:

A: The price of the Property shall be Three Hundred Ten Thousand Dollars (\$310,000).

B: The bid for the Purchase of the Property shall be substantially in the form agreed to by Seller. All sales will be subject to Bankruptcy Court approval.

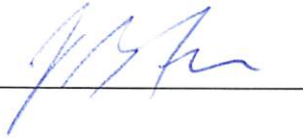
C: The Property shall be sold in its present "As-Is, Where-Is" condition without representation or warranties of any kind with regard to any existing condition or any condition which may occur after close of escrow.

3. **NOTICE: The amount of real estate commission is not fixed by law. They are set by each broker individually and may be negotiable between Broker and Seller.** Seller agrees to seek approval of compensation of the Broker by the Bankruptcy Court as follows: From the proceeds of the sale, the Broker shall receive a commission of Two and One-Half Percent (2.5%) of the sales price, and additional commission in the amount of Two and One-Half Percent (2.5%) of the sales price, shall be paid to a broker, if any, representing the Buyer, subject to allowance by the Bankruptcy Court. The maximum commission to be paid under this agreement to all Brokers combined shall be Five Percent (5.0%). Compensation shall be paid only if, and at such time, as the Bankruptcy Court approves and directs, and if the sale actually closes. Until such approval, any compensation that might otherwise be payable hereunder pending such approval shall

be held by such bonded escrow or other closing company as shall conduct the closing of the sale.

4. Broker agrees that by execution of this agreement, no personal liability shall attach to the undersigned Trustee and no liability of any kind shall be incurred by the Estate, unless an actual sale is made and a fee request is submitted and both are confirmed by the Bankruptcy Court and upon proper recordation of a deed.
5. Seller authorizes Broker to cooperate with subagents.
6. Sellers authorize Broker to place "For Sale" signs on the Property.
7. Seller authorizes submission of information on the Property, including price and terms of sale, to the Multiple Listing service in which the Broker participates.
8. The Property is offered in compliance with Federal anti-discrimination laws.
9. In consideration of the foregoing, the undersigned Broker agrees to be diligent in endeavoring to obtain a purchaser.
10. Broker acknowledges that Seller is a Bankruptcy Trustee appointed by the Bankruptcy Court and may not yet have authority to sell the Property, but may obtain such authority upon motion presented to the Bankruptcy Court as a Bankruptcy Trustee. Broker further acknowledges that any sale of the Property is subject to Bankruptcy Court approval after notice to creditors and a hearing and is also subject to overbids, should Seller so decide, and Seller has absolute right to accept any proposal regarding pricing of the Property, marketing strategies, and terms of sale (including which offer is "highest and best") in the Seller's sole discretion, or as might be directed by the Court. Broker acknowledges that if Bankruptcy case is dismissed; Seller may no longer have authority to sell the Property. All parties acknowledge that the Bankruptcy Court shall have jurisdiction to resolve any disputes arising out of this Agreement, and that this Agreement shall be subject to the laws of the State of Arkansas, as supplemented or overridden by the United States Bankruptcy Code and Bankruptcy Rules.
11. This agreement may be executed in counterparts, each of which shall be deemed an original, and which together shall constitute one and the same instrument, having the same force and effect as if a single original had been executed.

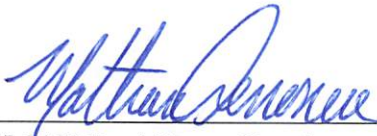
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4 / 25 / 2022

J. Brian Ferguson, Chapter 7 Trustee  
Bankruptcy Estate of Christine Harp  
Case No. 5:22-BK-70349  
Western District of Arkansas

X



4 / 19 / 2022

RE/MAX Real Estate Results

By: Nathan Genovese